

PUBLIC NOTICE

January 1, 2009

Hamilton County Circuit and Superior Courts Proposed Local Court Rule Change

The Judges of Hamilton County Circuit and Superior Courts find good cause to deviate from the schedule for amending local court rules pursuant to Trial Rule 81 (D).

The following proposed additions, amendments and/or deletions to the Hamilton County Local Court Rules are posted for public comment:

LR29-TR79-209. Coordinated Local Rule of the Counties of Hamilton, Enacted in Compliance with T.R. 79 (H) (Amended)

LR29-TR79-211. Appointment of Special Judges in Circuit and Superior Court No. 2 (Amended)

The above rule is on a separate page and deletions are shown by striking and new text is shown by **bold underlining**.

Comments will be received until February 1, 2009, and should be sent to one of the following addresses:

Administrator of the Courts
Hamilton County Courts
One Hamilton County Square, Suite 313
Noblesville, IN 46060-2232

[E-Mail: ops@co.hamilton.in.us](mailto:ops@co.hamilton.in.us)

Following a review of the public comments, the Hamilton County courts will adopt, modify, or reject the proposed local rule change by February 28, 2009.

If approved, the effective date for these rule amendments will be February 1, 2009 or sooner.

LR29-TR79-209. COORDINATED LOCAL RULE OF THE COUNTIES COURTS OF HAMILTON COUNTY, ENACTED IN COMPLIANCE WITH T.R. 79 (H)

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Hamilton County, in conjunction with the Judges and Magistrates of the seven contiguous counties of Marion County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil cases. Said rule, as approved by the Supreme Court of Indiana, is as follows:

209.20 This rule shall be subject to any previous standing orders for the appointment of judges which may be in effect or which may become effective subsequent to the entry of this rule, which standing orders may be entered by the Supreme Court of Indiana. Standing orders shall preempt this rule and shall take precedence over it.

209.30 Pursuant to Trial Rule 79, parties to a civil action may agree (with concurrence of the judge selected) to any particular special judge.

209.40 In the absence of an agreement as to a particular special judge, the parties, alternatively, may agree to have the regular sitting judge appoint a special judge from a list of local judges, magistrates, or senior judges.

209.50 In the absence of an agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge, the regular sitting judge shall name a panel consisting, wherever possible, of other judges and magistrates within the county where the civil action is situated. The available panel of judges from Hamilton County shall consist of the following:

- a. The Honorable ~~Judith S. Proffitt~~ **Paul A. Felix**, Judge of the Circuit Court.
- b. The Honorable Steven R. Nation, Judge of the Superior Court No. 1.
- c. The Honorable Daniel J. Pfleging, Judge of the Superior Court No. 2.
- d. The Honorable William J. Hughes, Judge of the Superior Court No. 3.
- e. The Honorable J. Richard Campbell, Judge of the Superior Court No. 4.
- f. The Honorable Wayne A. Sturtevant, Judge of the Superior Court No. 5.
- g. The Honorable Gail Bardach, Judge of the Superior Court No. 6.
- h. The Honorable David Najjar, Magistrate for Hamilton Superior Courts.
- i. The Honorable William Greenaway, Magistrate for Hamilton Superior Courts.

209.60 Should none of the above methods produce a special judge, the regular sitting judge shall select (on a rotating basis) one of the judges or magistrates from a contiguous county to the county where the civil action is situated, which counties are also contiguous to Marion County but excluding Marion County. The available panel of judges from Hancock County and Boone County consist of the following:

- a. The Honorable Richard D. Culver, Judge of the Hancock Circuit Court.
- b. The Honorable Terry K. Snow, Judge of the Hancock Superior Court No. 1.
- c. The Honorable Dan E. Marshall, Judge of the Hancock Superior Court No. 2.
- d. The Honorable Steve David, Boone Circuit Court.
- e. The Honorable Matthew C. Kincaid, Boone Superior Court No. 1.
- f. The Honorable James R. Detamore, Judge of the Boone Superior Court No. 2.

209.70 In the event that no judicial officer within Administrative District 8 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

LR29-TR79-211. APPOINTMENT OF SPECIAL JUDGES IN ~~CIRCUIT AND~~ SUPERIOR COURT NO.2

211.10 The regular judges of the ~~Hamilton Circuit Court and the~~ Hamilton Superior Court No. 2 will be required to disqualify from cases involving family members on a continuing basis, and that, pursuant to Ind. Trial Rule 79(C)(2), appointment of special judges will be required. In the interest of the orderly administration of justice, special judges should be available for such matters on a continuing basis. The Honorable ~~Judith S. Proffitt~~ **Paul A. Felix** is willing to serve in such capacity in Hamilton Superior Court No. 2, ~~and the Honorable Daniel J. Pfleging is willing to serve in such capacity in Hamilton Circuit Court. In the event the regular judge of the Hamilton Circuit Court, the Honorable Judith S. Proffitt, becomes disqualified pursuant to Ind. Trial Rule 79(C)(2) in the Hamilton Circuit Court, the Honorable Daniel J. Pfleging is appointed as Special Judge. Should Judge Pfleging decline to qualify in a particular case, the matter should then be certified to the Indiana Supreme Court pursuant to Ind. Trial Rule 79(H).~~ In the event the regular judge of the Hamilton Superior Court No.2, the Honorable Daniel J. Pfleging, becomes disqualified, pursuant to Ind. Trial Rule 79(C)(2), in the Hamilton Superior Court No. 2, the Honorable ~~Judith S. Proffitt~~ **Paul A. Felix** is appointed as Special Judge. Should Judge ~~Proffitt~~ **Felix** decline to qualify in a particular case, the matter should then be certified to the Indiana Supreme Court pursuant to Ind. Trial Rule 79(H).